

**STATE ALLOCATION BOARD**

1130 K Street, Suite 400  
Sacramento, CA 95814  
<http://www.dgs.ca.gov/opsc>

**IMPLEMENTATION COMMITTEE MINUTES**

April 1, 2004

1020 N Street  
Legislative Office Building, Room 100  
Sacramento, CA

**Members Present**

Bruce Hancock, SAB  
Lori Morgan, OPSC  
Fred Yeager, CDE  
Debra Pearson, SSDA  
Beth Hamby, LAUSD  
William Cornelison, ACS  
Gary Gibbs, CBIA

Dennis Dunston, CEFPI  
Kathleen Moore, SSD  
(alt. for Constantine Baranoff)  
Dennis Bellet, DSA  
Blake Johnson, DOF  
Brian Wiese, AIA (a.m. only)  
John Palmer, CASBO

**Members Absent**

Dave Doomey, CASH  
Jay Hansen, SBCTC  
Dennis Bellet, DSA

The meeting was called to order at 9:33 a.m. The minutes from the March 5, 2004 meeting were approved as written.

**CHAIR REPORT**

The Chair reviewed the status of the State Allocation Board (SAB) regulations impacted by the recent Executive Order (EO) and clarified that non-emergency regulations (including the 180-day tract) impacted by the EO are currently going through the normal regulatory process, which includes the appropriate sign-off process before submittal to Office of Administrative Law.

**CLEAN SCHOOL RESTROOMS [Senate Bill (SB) 892 MURRAY and Assembly Bill (AB) 1124 Nunez]**

This item continues from the February and March Implementation Committee meetings.

***Local Level Resolution***

Staff reported on additional revisions to the complaint process that would further encourage local level resolution. Final revisions to the OPSC Web site and complaint form directions now include language that more strongly encourages complainants to first communicate restroom maintenance issues to local complaint response resources.

## **CLEAN SCHOOL RESTROOMS (cont.)**

Included on the top of the complaint form and on the Web site will be a reminder that districts found to be in violation of the restroom maintenance law would be ineligible to receive deferred maintenance funding, and information regarding how deferred maintenance dollars are utilized. There was discussion as to whether this reminder strongly enough indicated the inherent irony of the penalty.

### *Amendments to DM Regulations*

Staff proposed amendments to the Deferred Maintenance (DM) regulations relating to the timeframe in which complaints would be presented to the SAB and the process for withholding of DM funds in the event that a district is determined by the SAB to be in violation of SB 892. Staff clarified that the district superintendent and the school board president would receive prior notification that the district is scheduled as a SAB report, and that the district's DM funding is in jeopardy. The proposed amendments provide for an annual presentation to the SAB for the purposes of determining violations of EC 35292.5. Districts who do not correct a violation within the 30 day notice period following the Board determination would not receive their basic grant, and the funds would be distributed to the other eligible districts.

Concerns were raised with regard to the timeframe for taking items to the SAB. It was suggested - to more precisely allow for the provision of the law, to achieve optimum parity among districts who have received complaints, and to ensure more timely addressing of complaints - that restroom maintenance items be taken to the Board on more of an "as needed" schedule, at least on a quarterly or twice yearly basis. The Chair pointed out that, though the OPSC has a responsibility to reasonably accommodate the law, it also must consider the most appropriate and efficient use of the SAB meeting as a public forum. Staff and members agreed to proceed with the current proposal with the stipulation to reassess its viability after a trial period of 9-12 months.

Proposed amendments to Section 1866.5.2, *Determination of Extreme Hardship Grant Amount and District Contribution* clarify that a district with an extreme hardship project, but deemed ineligible pursuant to SB 892, would be required to contribute an amount equal to the district and state share (i.e., two times the maximum basic grant). In response to a committee member request, staff will re-affirm with legal counsel on this issue.

### *Related Issue (AB 1124)*

Recently chaptered AB 1124 requires that a priority for the use of restricted maintenance and deferred maintenance funds be to ensure facilities (not limited to restrooms) are functional and meet local hygiene standards. Staff proposed changes to the *Application for Funding*, Form SAB 50-04, and the *Certification of Deposits*, Form SAB 40-21 to include certifications that cover the law's provisions.

The proposed regulations pertaining to SB 892 and AB 1124 are scheduled to be presented at the April 28, 2004 meeting of the SAB.

## **SCHOOL FACILITY PROGRAM MODERNIZATION [SB 15 Alpert and AB 1244 Chu]**

SB 15 and AB 1244 enable school facilities to receive an additional apportionment for the modernization of permanent school buildings every 25 years, and portable classrooms every 20 years. Staff presented proposed modifications to the SFP Regulations which would allow school districts to become eligible to receive this additional modernization funding. Additionally, staff proposed amendments that would clarify the adjustments to the SFP gross classroom inventory for permanent classrooms leased for less than five years.

### *Accommodation of Previous Lease-Purchase Program (LPP) Projects*

The discussion focused on previous LPP projects which will soon be eligible for a new round of modernization funding. Currently, a district cannot revise its SFP modernization eligibility option after submitting a funding application. Staff's proposal provides for a one-time switch from Option A to Option B in order to re-calculate modernization eligibility and accommodate the second modernization of support facilities.

### *Certification*

The law requires a school district to use the second-round modernization funds to replace the eligible portable classroom, and to certify that the replaced portable will be removed from any classroom use. Staff's proposal incorporates into the funding application certification that would specify that portable classrooms will be removed within six months of the filing of the Notice of Completion for the project.

### *Documentation Options*

The law includes accommodations for the second modernization of the portable only if the district can document that modernizing the portable classroom is a better use of public resources. Staff offered several options for districts regarding the documentation requirement, including submitting school board minutes indicating the school board's approval of the second modernization in lieu of replacement, or submitting for SAB approval a cost benefit analysis prepared and signed by a licensed design professional.

It was suggested that districts be allowed to self-certify rather than provide documentation when modernization is the appropriate alternative. Staff pointed out that the law specifically requires that a district must document its rationale for modernization in lieu of replacement. Staff agreed to look into other documentation options for the next meeting. At that time, staff will also present more examples regarding the one-time change to Option B to more clearly illustrate its affect on a district's modernization eligibility.

## **ADJOURNMENT AND NEXT MEETING**

The meeting adjourned at approximately 12:30 p.m. The next Implementation Committee will convene on Friday, June 4, 2004 at 9:30 a.m., at 1500 Capitol Ave. Rms. 72.149B & 72.151A, Sacramento, California.